

CIRCULAR.

No. 5143 of 1887.

POLITICAL DEPARTMENT.

FROM

W. LEE-WARNER, Esq.,

Acting Secretary to Government,

Bombay,

To

(ALL POLITICAL OFFICERS).

SIR,

I am directed to inform you that His Excellency the Governor in Council has been pleased to limit the period for the presentation of applications for the exercise of his extraordinary jurisdiction to the same period as is allowed for appeals, viz., 90 days.

2. I am to request that you will take steps to make this decision known as widely as possible.

I have the honour to be,

Sir,

Your most obedient Servant,

BOMBAY CASTLE, }
13th August 1887. }

W. LEE-WARNER,
Acting Secretary to Government.

No 2725 of 1887

23 August/87

Copy to the Nawab Sahib of

Savannah

Recd 25/8/87.

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Replied
Aug 26/87

Appeals.

Limitation of —.

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Bombay Castle, 23rd November 1887.

RESOLUTION OF GOVERNMENT.

With reference to Government Resolution No. 5739, dated 8th September, 1887, Political officers are informed that the rule therein laid down, limiting the period of appeals to the Government of India to 12 months, will come into operation from the 1st April 1888.

W. LEE-WARNER,
Secretary to Government.

To

The Commissioner in Sind,
The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
All Political Officers.

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Forwarded for information to the
Nawab Sahib of Savanur.

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Native States.

Application to Political Courts of certain rules in force in Civil Courts.

No. 5071.

POLITICAL DEPARTMENT.

Bombay Castle, 27th June 1891.

Read again :—

Memorandum from the Judicial Department, No. 1647, dated the 18th March 1891—Transferring, for consideration, a letter No. 92, dated the 22nd December 1890, from the Chief Judge of the Court of Small Causes, who encloses copy of certain rules which have been applied to Civil Courts by Her Majesty's High Court of Judicature, and requests that similar rules may be made by Government with regard to Political Courts.

Memorandum from ditto ditto, No. 1783, dated the 24th March 1891—Transferring, in continuation of the above, a letter No. 25, dated the 12th idem, from the Acting Chief Judge of the Court of Small Causes, who encloses copy of an additional rule which has been applied by Her Majesty's High Court of Judicature to Civil Courts, and requests that a similar rule may be made by Government for Political Courts.

Letter from the Acting Political Agent, Káthiáwár, No. 428, dated the 23rd May 1891—Stating, with reference to Government Resolution No. 2352 of the 11th April 1891, regarding the proposal to apply to Political Courts certain rules in force in Civil Courts, that he sees no objection to the proposed rules, presuming that by "Political Courts" are meant Agency Courts as distinguished from Courts of jurisdictional Native States and Talukás.

Letter from the Political Agent, Kolhápúr and Southern Marátha Country, No. 187, dated the 9th June 1891—Reporting, with reference to Government Resolution No. 2352, dated the 11th April 1891, that the rules which the Chief Judge of the Bombay Small Cause Court has proposed should be made applicable to Political Courts are practically acted up to in all the Civil Courts in the Kolhápúr and Southern Marátha Country States. Stating that he presumes the Courts meant by the Chief Judge are not only the Courts of Political Officers established by Government in Native States, but also Courts in Native States in alliance with the British Government. Observing that the application of the rules to the Courts of Political Officers is superfluous as they are governed by the provisions of the Civil Procedure Code, but that the Courts of Native States, which already follow the rules in their spirit, can be induced, if thought necessary, to formally introduce them.

RESOLUTION.—The rules proposed, viz. :—

"38 B. The Court to which a Commission is sent for the examination of witnesses at the request of one party may allow the other party, if leave has been given him to join in the Commission, to examine his witnesses, and may allow each party to cross-examine any witnesses examined by the other party.

"120 C. A Civil Court to which a summons has been sent for service, should make a return within the time fixed by the summons for the hearing of the cause, stating whether the summons has been served or not, and, if not, the reason for the non-service.

"120 D. If a Court to which a summons has been sent for service, be satisfied that the defendant is intentionally avoiding service, such

Court shall itself direct substituted service to be effected in such manner as it thinks fit under the provisions of the Code of Civil Procedure without further reference to the Court issuing the summons."

may be made applicable to all Courts established or continued by the Governor-General in Council in Native States, that is to say to all Political Courts. The several Agents may recommend any rulers or administrators of Native States to introduce similar rules into any Native State Courts to which processes or commissions from British Courts may be sent.

2. The Agent to the Governor General, Baroda, should be invited to address the Foreign Office in order to secure the introduction of the rules into the Baroda Courts established by the Governor-General in Council.

W. LEE-WARNER,
Secretary to Government.

To

The Commissioner, N. D.,
The Commissioner, C. D.,
The Commissioner, S. D.,
The Political Agent, Káthiáwár,
The Political Agent, Kolhápur and Southern Marátha Country,
The Political Agent, Rewa Kántha,
The Political Agent, Cutch,
The Political Agent, Mahi Kántha,
The Political Superintendent, Pálanpur,
The Political Superintendent, Sávantvádi,
The Agent to His Excellency the Governor, Surat,
The Collector and Political Agent, Khándesh,
The Collector and Political Agent, Sátára,
The Collector and Political Agent, Thána,
The Collector and Political Agent, Kolába,
The Collector and Political Agent, Dhárwár,
The Collector and Political Agent, Kaira,
The Collector and Political Agent, Sholápur,
The Collector and Political Agent, Bijápur,
The Collector and Political Agent, Poona,
The Collector and Political Agent, Shikárpur,
The Collector and Political Agent, Násik,
The Agent to the Governor General, Baroda (by letter),
The Judicial Department of the Secretariat.

No 4538 of 1891

3rd August 1891

*Copy forwarded to the Nabab of Savannur
with the Compliments of the undersigned.*

*It is recommended that similar
rules may be introduced into the state courts.*

*E. Gray,
District Magistrate*